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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,775	07/30/2003	Soon Jo Lee	9988.038.00-US	7792
30827	7590	10/13/2005		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 10/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,775	Applicant(s) LEE ET AL.	
	Examiner Stephen Gravini	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 22 is objected to because it depends upon a canceled claim.

Claim 23 is objected to because the recitation "fastening pieces is" is grammatically incorrect. The original presentation of the claim was more proper.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1 and 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Holub (US 1,550,700). The claim recitation "fire plate" is broadly construed to reasonably convey, based on the specification, a barrier to prevent fire passage. This interpretation is considered consistent with the specification since paragraphs [0007] and [0041] merely discuss a plate for preventing fire. Holub is considered to disclose the claimed invention comprising:

a top cover **24** mounted on a side plate **2** of a cabinet;

a fire plate **19** between the side plate and the top cover, for preventing fire from spreading outside the laundry dryer (wherein the disclosed pair of doors is considered to expressly anticipate the claimed fire plate for preventing fire from spreading outside the laundry dryer because the doors act as fire plates thereby preventing fire outside the laundry dryer of Holub which discusses fire on the text pages 1, 4, and 5); and

a cabinet holder **4** fastening the fire plate to the side plate. Holub is also considered to disclose the claimed cabinet holder and fire plate including sides mounted

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in contact with an inside surface of the top cover, said sides serving as a supporting wall which prevents the side surface of the top cover from inward deformation by an external force as shown in figures 1, 3, & 6, the fire plate includes grooves in a center part for improving a rigidity of the fire plate wherein the disclosed channel part is considered to expressly anticipate the claimed grooves because both improve rigidity, the cabinet holder includes a plurality of fastening pieces on an underside of the cabinet holder for fastening the fire plate to the side plate wherein the hinges shown in figure 1 are considered to fasten the fire plate door **19** to cabinet holder corner posts **4** on an underside because figure 10 shows jamb strips **17** on an underside of the cabinet, the fire plate includes a first flange at each of opposite edges having a plurality of first fastening holes receiving the fastening pieces and the side plate includes a second flange in top part having a plurality of second fastening holes in communication with the first fastening holes as shown in figure 1 since there is a first and second set of hinge flanges on each fire plate door, the cabinet holder further includes a plurality of through holes in communication with the first, and second holes and at least one of said fastening pieces is on an underside of an edge of one side of the through hole as shown in figure 10 wherein fastener piece hinges are connected through holes, the second flange further includes a plurality of positioning projections **17** projected upward for alignment of a fastening position of the side plate with the fire plate and the first flange further includes first inserting holes receiving the positioning projections therein, the positioning projections are formed by lancing as shown in figure 10 wherein jamb **17** is considered to anticipate the claimed lancing because the disclosed jamb lances a

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structure for positioning projections, and the cabinet holder and the fire plate include sides **15 & 1** mounted in contact with an inside surface of the top cover, said sides serving as a supporting wall which prevents the side surface of the top cover from inward deformation by an external force.

Claims 15, 17, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vonderhaar (US 3,402,281). The preamble of the claim is not given patentable weight, since it does not breath life and meaning into the body of the claim. Although Vonderhaar is not a laundry dryer, as recited in the preamble, the body of the claimed invention is not limited to a clothes dryer, such that the teachings of that home appliance reference show each of the claimed elements. Vonderhaar is considered to disclose the claimed invention comprising:

- a side plate **11** and a front plate **11** of a cabinet;

- a door **20** in a front of the front plate;

- a top cover **12** on top of the side plate and the front plate;

- a control panel **15** on the top cover;

- a fire plate **134** between the side plate and the top cover and between the front plate and the top cover, the fire plate having a first flange with a plurality of first fastening holes; and

- a cabinet holder **136** joining the fire plate to the side plate, the cabinet holder including a plurality of fastening pieces on an underside of the cabinet holder wherein the plurality of first fastening holes receive the plurality of fastening pieces as discussed in column 6 line 58; or alternatively:

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a top cover **12** mounted on a side plate of a cabinet;

a fire plate **77** disposed between the side plate and the top cover; and

a cabinet holder **82** being configured to fasten the fire plate to the side plate

wherein the cabinet holder includes a plurality of fastening pieces configured for insertion into the fire plate and the side plate. Vonderhaar is also considered to disclose the claimed a first flange at an edge of the fire plate and the side plate includes a second flange at a top part having a plurality of second fastening holes in communication with the first fastening holes, wherein the cabinet holder further includes a plurality of through holes in communication with the first, and second fastening holes and the fastening pieces is on an underside of an edge of one side of the through hole, wherein the second flange further includes a plurality of positioning projections projected upward for aligning the side plate during fastening of the side plate with the fire plate and the first flange further includes first inserting holes receiving the positioning projections therein and wherein the cabinet holder further includes a plurality of second inserting holes receiving the positioning projections projected through the first inserting holes as shown in figure 7.

Claim Rejections - 35 USC § 103

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holub in view of Yandell (US 1,993,201). Holub is considered to disclose the claimed invention, as discussed above, except for the claimed plastic top cover. It would have been an obvious matter of design choice to provide a plastic cover, since applicant has not shown the structural differences including advantages of a plastic cover what is

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disclosed in the prior art. Furthermore, Holub is considered to disclose the claimed invention except for the claimed curved top surface and matching fire plate curvature. Yandell, another laundry dryer, is considered to disclose a curved top surface and matching fire plate curvature on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Holub with the curved top surface and matching fire plate curvature, considered disclosed in Yandell, for the purpose of containing pressure from forces such as water or fire.

Claim 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vonderhaar in view of Holub. Vonderhaar is considered to disclose the claimed invention, as discussed above, except for the claimed plastic top cover. It would have been an obvious matter of design choice to provide a plastic cover, since applicant has not shown the structural differences including advantages of a plastic cover what is disclosed in the prior art. Furthermore, Vonderhaar is considered to disclose the claimed invention except for the claimed laundry dryer. Holub, another domestic appliance, is considered to disclose a laundry dryer on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Vonderhaar with the laundry dryer, considered disclosed in Holub, for the purpose of containing fire within the domestic appliance.

Claim 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vonderhaar in view of Yandell. Vonderhaar is considered to disclose the claimed invention except for the claimed curved top surface and matching fire plate curvature. Yandell, another laundry dryer, is considered to disclose a curved top surface and

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matching fire plate curvature on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Vonderhaar with the curved top surface and matching fire plate curvature, considered disclosed in Yandell, for the purpose of containing pressure from forces such as water or fire.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 and 22-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/663,997. Although the conflicting claims are not identical, they are not patentably distinct from each other because the currently claimed fire plate is considered an obvious variation of the copending claimed fire wall.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
October 7, 2005

